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Date: 5/20/03

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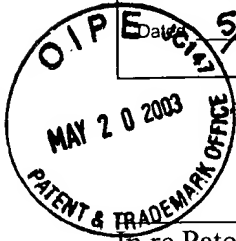
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Docket No.: 514862000100
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas BOREN et al.

Application No.: 09/937,110

Group Art Unit: 1623

Filed: January 29, 2002

Examiner: K. Fonda

For: USE OF FUCOSYLATED SIALYLATED N-
ACETYL LACTOSAMINE CARBOHYDRATE
STRUCTURES FOR INHIBITION OF
BACTERIAL ADHERENCE

#8
6/3/03
J. M. M.

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 25, 2003 (Paper No. 7), applicant hereby provisionally elects Group I, claims 15-24 for continued examination, with traverse.

The Examiner has required restriction between Group I, claims 15-24, drawn to a method of treating diseases in humans caused by *H. pylori* infection of gastric mucosa by administration of a fucosylated N-acetyl lactosamine carbohydrate structure and Group II, claims 25 and 26, drawn to a method of treating diseases in humans caused by *H. pylori* infection of gastric mucosa by administration of antibodies to a fucosylated N-acetyl lactosamine carbohydrate structure.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are so linked as to form

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a single general inventive concept under PCT Rule 13.1. Group I and Group II are linked by the same corresponding special technical feature. Specifically, both Group I and Group II are methods of treating *H. pylori* infection through blocking adherence by *H. pylori* to the gastric mucosa. Group I uses a fucosylated N-acetyl lactosamine carbohydrate structure while Group II uses antibodies to the same.

It is respectfully requested that the restriction requirement be withdrawn, and that each of claims 15-26 presently pending in this application be examined.

Dated: May 20, 2003

Respectfully submitted,

By 
Otis Littlefield

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Attorneys for Applicant

05-22-03

1629

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

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Application Number 09/937,110

Filing Date January 29, 2002

First Named Inventor Thomas BOREN

Group Art Unit 1623

Examiner Name K. Fonda

Total Number of Pages in This Submission

3

Attorney Docket Number 514862000100

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ENCLOSURES (check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below)

Response to Restriction Requirement (2 pages)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual NameMORRISON & FOERSTER LLP
Otis Littlefield - 48,751

Signature

Date

May 20, 2003

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SI-1504513